

R E M A R K S

Pursuant to the telephone conference with Examiner Lewis on April 23, 2010, the claims have been amended to more clearly define the invention and to define patentably over the prior art of record. Claims 15-17, 24 and 25 are pending in the application, and by the amendment of independent claims 15, 24 and 25, the dependent claims to any of those claims have likewise been amended.

Claims 15-17 were rejected under 35 U.S.C. §102 as being anticipated by Faunce U.S. Patent No. 3,930,639 ("Faunce"). These claims have been amended to more clearly define the invention and to define the appliance structure that is not found in Faunce. For example, the appliance of Faunce does not teach or suggest that the lingual profile of its base portion is substantially equal to the labial profile of the tie wing. Therefore, in view of this explanation of Faunce and as to the reference to Faunce hereinafter as well as the claimed structure, it is submitted that claims 15-17 clearly differentiate from Faunce and overcome the rejection on anticipation. It is submitted that this rejection should be withdrawn.

Claims 15, 17 and 24 were rejected under 35 U.S.C. §103 as being unpatentable over Faunce in view of Lemchen U.S. Patent No. 5,890,892 ("Lemchen") on the basis that Lemchen teaches that polymer resin materials are typically cured with light or heat and to have cured the Faunce polymer resin accordingly would have been obvious to one of ordinary skill in the art. These claims have been amended to more particularly define the appliance body as including at least one tie wing having a labial profile and the lingual side of the body including a base portion having a lingual profile. The claim further defines the body as having a connecting portion between the base portion on the lingual side and the tie wing.

Further, the lingual profile of the base portion is defined as being substantially equal to the labial profile of the tie wing. Thereafter, the claim has been amended to set forth that the resin bonding base is molded onto the lingual side of the base portion of the body. Still further, the claim has been amended to set forth that the integral peripheral lip overlapping a part of the base portion enhances the bonding of the

APR 26 2010

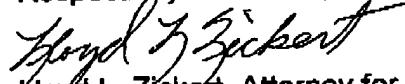
bonding base to the base portion of the body while having substantially the same lingual profile as the lingual profile of the base portion.

Independent claim 24 has been similarly amended to include these limitations. Faunce does not teach or suggest the features of the invention as now defined in claims 15-17 and 24. More particularly, the Faunce appliance includes a pre-formed base covering substantially all of the face of a tooth. Lemchen is merely cited on the basis of having a partially cured moldable base conformable to the contour of a tooth and thereafter being cured. It does not teach the structure of a base as defined in the amended claims. Accordingly, it is submitted that claims 15-17 and 24 are patentable over Faunce in view of Lemchen.

The Examiner rejected claim 25 under 35 U.S.C. §103 as being unpatentable over Faunce and Lemchen as applied in the rejection of claims 15-17 and 24 and further in view of Kesling U.S. Patent No. 5,263,859 ("Kesling"). Claim 25 is an independent claim and has been amended similarly to independent claims 15 and 24 and, for reasons given above, differentiates patentably over Faunce. It should be appreciated here that Kesling was only cited for its teaching of an appliance comprising grooves. It does not relate to the base structure of the appliance as set forth in the claims in this application. Accordingly, in view of the foregoing, it is submitted that claim 25 is patentable over these references.

An earnest endeavor has been made to place this application in condition for formal allowance, and such action is courteously solicited.

Respectfully submitted,


Lloyd L. Zickert, Attorney for Applicant

Reg. No. 17,807

April 26, 2010

Lloyd L. Zickert
79 west Monroe Street
Chicago, IL 60603
(312) 236-1888

zickert@compuserve.com